

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MAY 16, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-18090 - APPLICANT/OWNER: FAIRFIELD HUALAPAI, LLC**

---

**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to:

**Planning and Development**

1. Conformance to the Conditions of Approval for Rezoning (ZON-1520 and ZON-2184) shall be required.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-18031) shall be required.
3. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. The only variance being granted here is for setback.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a variance of the Cliff's Edge Master Development Plan and Design Guidelines section 3.2.1 to allow a balcony to balcony separation of 24 feet where 30 feet is required and to allow a setback of two feet from a living area, porch, stoop, and sidewalk where ten feet is required on a portion of 15.69 acres at the southwest corner of Hualapai Way and Elkhorn Road.

The applicant has created a self-imposed hardship by proposing setbacks that do not comply with the development standards. Alternative development plans would allow conformance to the Cliff's Edge Master Development Plan and Design Guidelines. Staff recommends denial.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
04/16/03	City Council approved a request for a Rezoning (ZON-1520) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on 297.50 acres and to Establish a Master Plan for the Cliff's Edge Development adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission and staff recommended approval.
07/16/03	City Council approved a request for a Rezoning (ZON-2184) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on 704 acres adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission and staff recommended approval.
11/16/05	City Council approved a request for a Major Modification (MOD-9174) to the Cliff's Edge Master Development Plan and Design Guidelines to establish standards for rear loaded residential small lot housing products and to add section 3.2.5b to the design guidelines on 1,156 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission and staff recommended approval.
04/12/07	<a href="#">The Planning Commission recommended approval of companion item SDR-18031 currently with this application.</a>  <a href="#">The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #32/ar).</a>
<b><i>Pre-Application Meeting</i></b>	
10/09/06	The Cliff's Edge Design Standards were discussed. Staff indicated that a trail would be required along Hualapai Way.

<b><i>Neighborhood Meeting</i></b>	
03/12/07	A neighborhood meeting was held at 5:30 PM at Mountain Crest Community Center, 4701 N. Durango. Six members of the public, five representatives of the applicant, one Clark County liaison, and one City of Las Vegas liaison attended. The issues discussed were walk ability of the site, location of delivery loading zones, concern over density, traffic issues; the lack of mixed –use in the site plan and insufficient parking.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	11.85

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	PCD (Planned Community Development)	PD (Planned Development) Zone [VC (Village Commercial) Cliff's Edge Special Land Use Designation]
North	Single Family Residential	PCD (Planned Community Development)	PD (Planned Development) Zone [L (Low Density Residential) Cliff's Edge Special Land Use Designation]
South	Multi-Family Residential	PCD (Planned Community Development)	PD (Planned Development) Zone [M (Medium Density Residential) Cliff's Edge Special Land Use Designation]
East	Undeveloped (County)	County	Clark County Zoning [Rural Estates Residential [2 Units Per Acre](R-E)]
West	Single Family Residential	PCD (Planned Community Development)	PD (Planned Development) Zone [L (Low Density Residential) Cliff's Edge Special Land Use Designation]

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>			
Cliff's Edge	X		Y
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
PD (Planned Development) District	X		Y
Cliff's Edge	X		Y
<b>Special Purpose and Overlay Districts</b>		X	Y
<b>Trails</b>	X		N
<b>Rural Preservation Overlay District</b>		X	Y
<b>Development Impact Notification Assessment</b>		X	Y
<b>Project of Regional Significance</b>		X	Y

Map 2 of the Master Plan Transportation Trails Element depicts a Multi-Use Transportation Trail along the west side of Hualapai Way adjacent to this site. Staff has addressed this issue within the related Site Development Plan Review.

## DEVELOPMENT STANDARDS

### *RESIDENTIAL PORTION:*

<b><i>Standard (Cliff's Edge)</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Min. Setbacks			
Principle Buildings and Accessory Structures from the Property Line			Y
<ul style="list-style-type: none"> <li>• Single Story Structures</li> <li>• Two Story Structures</li> <li>• Three Story Structures</li> </ul>	10 Feet N/A 30 Feet	10 Feet N/A 30 Feet	
Principle Buildings and Accessory Structures Adjacent to Street R.O.W. at Parcel Perimeter			
<ul style="list-style-type: none"> <li>• Single Story Structure</li> <li>• Two Story Structure</li> <li>• Three Story Structure</li> </ul>	10 Feet 20 Feet 25 Feet	N/A N/A 25 Feet	Y
Principle Buildings and Accessory Structures Adjacent to Parks, Open Space, Landscaped Areas Adjacent to Perimeter Streets, or Paseo Pl			
<ul style="list-style-type: none"> <li>• Single Story Structures</li> <li>• Two Story Structures</li> <li>• Three Story Structures</li> </ul>	10 Feet 10 Feet 10 Feet	N/A N/A 23 Feet	Y
Living Area or Porch from Private Street or Parking	10 Feet	2 Feet	N*

Garage Face Setback from Private Street	Less than 5 Feet or 18 Feet plus	N/A	Y
Building Separation <ul style="list-style-type: none"> <li>Balcony to Balcony</li> <li>Balcony to Non-Balcony</li> <li>Non-Balcony to Non-Balcony</li> <li>Between Main Building &amp; Accessory Structure</li> </ul>	30 Feet 20 Feet 15 Feet 10 Feet	24 Feet N/A 20.5 Feet N/A	N* N/A Y N/A
Maximum Bldg Height <ul style="list-style-type: none"> <li>Principle Building and Accessory Structures</li> </ul>	50 Feet Subject to Setback Criteria Above	40.3 Feet	Y
Trash Enclosure	Yes	4	Y
Mech. Equipment	Screened	Yes	Y

\*These issues have been addressed in the subject Variance VAR-18090.

#### COMMERCIAL AREA

<i>Standard (Cliff's Edge)</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
From Master Plan Arterial (Hualapai Way) to Building	20 feet	76 feet	Y
From Master Plan Collector (Elkhorn Road) to Building	15 feet	136 feet	Y
From Adjacent Parcel PL to Building	15 feet	21 feet at closest point	Y
From Master Plan Arterial (Hualapai Way) to Parking	10 feet	26 feet	Y
From Master Plan Collector (Elkhorn Road) to Parking	6 feet	30 feet	
From Adjacent Parcel PL to Parking	6 feet	20 feet	Y
Maximum building coverage on a commercial parcel	50%	21.7%	Y

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree/ 10 Spaces	22 Trees	Trees	Y
Buffer:				
Min. Trees	1 Tree/ 20 Linear Feet	Trees	Trees	Y
<b>TOTAL</b>		Trees	Trees	Y
Min. Zone Width Hualapai Way	20 Feet		20 Feet	Y
Landscape area within commercial area	20%		27.6 %	Y

<b>Open Space Standards per 3.1.3 Cliff's Edge Master Development Plan</b>					
<b>Total Acreage</b>	<b>Density</b>	<b>Required</b>	<b>Provided</b>		<b>Compliance</b>
11.85	18.4	100 Sq. Ft/Unit	21,800 Sq. Ft.	35,900 Sq. Ft.	Y

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
One bedroom unit	124 Units	1 per 1.25	155				
Two Bedroom units	94	1 per 1.75	165				
Visitor parking	1 per 5 units	1 per 0.2	44				
Retail Shopping center	32,400	1 per 250 sq ft	130	5		8	Y
TOTAL			494	5*	541	8	Y

\* Handicap parking only required for commercial use portion.

*Per Title 19.08.060, the following standards apply:*

<b>Residential Adjacency Standards</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
3:1 proximity slope	121 Feet	218 Feet	Y
Adjacent development matching setback	10 Feet	30 Feet	Y
Trash Enclosure	50 Feet	10 Feet	N*

\*This issue has been addressed within the related Site Development Plan Review.

**VAR-18090 - Staff Report Page Six**  
**April 12, 2007 - Planning Commission Meeting**

## **FINDINGS**

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing setbacks that do not comply with the development standards. Alternative development plans would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

#### **PLANNING COMMISSION ACTION**

The Planning Commission added condition #4 as that is the only Variance required.

#### **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

1

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 52 by City Clerk

**APPROVALS** 0

**PROTESTS** 3